

Panaji, 16th February, 1984 (Magha 27, 1905)

SERIES II No. 46

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

GOVERNMENT OF GOA, DAMAN AND DIU

Home Department (General)

Order

No. 3-16-83-HD(G)

Government is pleased to establish the Directorate of Fire Services in this Union Territory of Goa, Daman and Diu with immediate effect as a part of the modernisation and development of fire services in the territory. The Directorate for the present will be headed by the Chief Fire Officer to the Government of Goa, Daman and Diu.

2. The Chief Fire Officer is declared as Head of Office in terms of Rule 14 of the Delegation of Financial Power Rules, 1978.

3. The equipment, furniture, vehicle and other material in the use of Fire Services shall stand transferred to the new Directorate.

4. The Fire Stations in various police station premises will continue to function in the same premises with the same arrangement, till permanent place and buildings come up exclusively for Fire Services.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary (Home).

Panaji, 21st January, 1984.

Notification

No. 2/61/81-HD(G)

In exercise of the powers conferred by sub-section (1) of section 20 of the Criminal Procedure Code, 1973 (Central Act 2 of 1974), read with section 21 of the General Clause Act, 1897 (Central Act 10 of 1897), the Lieutenant Governor of Goa, Daman and Diu hereby rescinds the Government Notification No. 1/1/78-SA & C dated 5-4-1980, with immediate effect.

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Home).

Panaji, 6th February, 1984.

Planning Department

Science, Technology & Environment Department

Notification

No. 1-16-83-STE

Read Notification No. 1-16-83-STE dated 1-9-83 regarding constitution of Committee to review the matters of pollution of beaches in Goa.

Government is pleased to nominate the Regional Director, Government of India, Tourist Office, Bombay as a member on the Committee mentioned above.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. R. Joshi, Under Secretary (STE).

Panaji, 31st January, 1984.

Notification

No. 2-5-72/PLG(PB)

Ref: Notification No. 2-5-72/PLG(PB) dated 8-3-83.

Sub: Extension of the term of the Sub-Committee of the Planning Board on Approach to the 7th Five Year Plan.

The Administrator of Goa, Daman and Diu is pleased to extend the term of the Sub-Committee of the Planning Board on Approach to the Seventh Five Year Plan, upto 29-2-1984, in term of the provision contained in para (4) of the Notification dated 8-3-83 referred to above.

By order and in the name of the Administrator of Goa, Daman and Diu.

P. W. Rane Sardesai, Planning Officer.

Panaji, 1st February, 1984.

Works, Education and Tourism Department

Order

No. 12/13/83/WET-I

Shri R. V. Kolhatkar, Asst. Professor in Architecture JNTU, College of Fine Arts and Architecture, Hyderabad, is hereby appointed as Professor in Architecture in Goa College of Engineering, Farmagudi, with effect from 25-1-1984 (A.N.) in the scale of Rs. 1500-2500 plus usual allowances, by transfer on deputation.

The terms and conditions of his deputation will be as per the standard terms of deputation contained in the Government of India, Ministry of Finance O. M. No. F.10(24)-E. III/60 dated 4-5-1961 and as amended from time to time.

He shall draw his grade pay plus deputation allowance as admissible under the rules.

The period of deputation will be for a period of 2 years or till the post is filled on regular basis whichever is earlier.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. S. Khandeparkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 6th February, 1984.

Order

No. 5/3/78/WET

Government is hereby pleased to reconstitute the existing Carnival/Shigmo Festival Committee with the following members with immediate effect.

1. Minister for Tourism/Chief Minister — Chairman.
2. Secretary Tourism — Member.
3. Collector Goa — Member.
4. S. P. Traffic — Member.
5. Dy. Collector of South Goa — Member.
6. Dy. Collector of North Goa — Member.
7. Director of Information — Member.
8. Director of Sports & Cultural Affairs — Member.
9. Director of Municipal Administration — Member.
10. Director of Tourism — Member Secretary.

Non-Officials

11. M. L. A. Navelim — Member.
12. M. L. A. Dabolim — Member.
13. M. L. A. Mapusa — Member.
14. M. L. A. Margao (i.e. Minister for Industries & Labour) — Co-opted member.
15. M. L. A. Mormugao (i.e. Minister for Revenue & Law) — Co-opted member.
16. M. L. A. Panaji — Member.
17. President/Administrator, Panaji Municipality — Member.
18. President/Administrator, Margao Municipality — Member.
19. President/Administrator, Vasco Municipality — Member.
20. President/Administrator, Mapusa Municipality — Member.
21. Managing Director of Goa, Daman & Diu Tourism Development Corporation — Member.
22. Managing Director, Kadamba Transport Corporation — Member.
23. Station Manager, I. A. C. — Member.
24. Station Manager, Air India — Member.
25. President Goa Tourism & Travel Club — Member.
26. President Hotels & Restaurants Association — Member.
27. President Travel Agents Association — Member.
28. President Goa Press Circle — Member.
29. Shri Jagdish Wagh, UNI — Member.
30. Shri Damu Kenkre, Member Secretary Kala Academy — Member.
31. Shri R. V. Prabhugaonkar — Member.
32. Shri Vasco Alvares — Member.
33. Dr. Bhicaji Ghanekar — Member.
34. Shri Timotio Fernandes — Member.
35. Shri Francis Martins — Member.
36. Shri M. Boyer — Member.
37. Smt. Anju Timblo — Member.
38. Shri Pascoal Menezes — Member.

The function of the above Committee will be to advise the Government about the mode of organisation of Carnival/Shigmo Festival in Goa.

By order and in the name of the Administrator of Goa, Daman and Diu.

T. S. Khandeparkar, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 4th February, 1984.

Forest and Agriculture Department

Order

No. 2-18/79-AGR-Vol. II

Read: — Memorandum No. 2-18/79-AGR-Vol. II dated 4-5-1983.

Shri Sugata Ghose, a candidate recommended by Union Public Service Commission is appointed on temporary basis as Assistant Agricultural Officer, Grade I, in the Directorate of Agriculture, Panaji in the scale of Rs. 650-30-740-35-810-EB-35-880-40-1000-EB-40-1200 plus all other admissible allowances with effect from the date of taking over the charge. He is posted against the post of Assistant Agricultural Officer, Grade I (Coconut) in the Directorate of Agriculture.

2. The appointment is subject to the terms and conditions specified in the memorandum No. 2-18/79-AGR-Vol. II dated 4-5-1983.

3. His pay will be fixed according to rules. He has been medically examined and found fit by the Chief Medical Officer of Health, Darjeeling.

4. He shall be on probation for a period of two years.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. M. Naik, Under Secretary to the Government of Goa, Daman and Diu.

Panaji, 7th February, 1984.

Local Administration and Welfare Department

Order

No. 6-36-83-LAWD(16)

The Block Development Officer, Satari is hereby appointed as Child Development Project Officer, Satari during the training period of Miss Maria Cristina Mesquita, from 16-1-84 to 14-3-1984, in addition to his own duties.

A. V. Pimenta, Under Secretary (LAWD).

Panaji, 4th February, 1984.

Office of the Asstt. Registrar of Cooperative Societies

No. 1/13/70-LQD/Bardez-Poultry/ARNZ/83

Read: This office order No. 1/13/70-LQD/Bardez-Poultry/ARNZ/82 dated 10th June, 1982 appointing to Shri D. Y. Gawas as a liquidator of Bardez Poultry Breeders Coop. Society Ltd., in place of Shri R. A. Pednekar.

Order

In partial modification of this office order cited above, Shri B. Y. Sawant, Jr. Inspector of Coop. Societies, Mapusa is hereby appointed as a Liquidator of Bardez Poultry Breeders Coop. Society Ltd., Verem-Bardez in place of Shri D. Y. Gawas with effect from the date of taking over the charge of the society.

A. Y. Gore, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 1/15/65-LQD/Siolim-Vahatuk/ARNZ/83

Read: This office order No. 1/15/65-LQD/Siolim-Vahatuk/ARNZ/82, dated 23rd June, 1982 appointing to Shri D. Y. Gawas, as a liquidator of Siolim-Vahatuk Vya. Saumstha Ltd., Siolim, Bardez in place of Shri R. T. Verlekar.

Order

In partial modification of this office order cited above, Shri B. Y. Sawant, Jr. Inspector of Coop. Societies, Mapusa is hereby appointed as the liquidator of Siolim-Oxel Sah. Jal-Vahatuk Vya. Saunstha Ltd., Siolim-Bardez in place of Shri D. Y. Gawas with effect from the date of taking over the charge of the society.

Sd/-.

(A. Y. Gore), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 1/16/66-LQD/Colvale-SEVA/ARNZ/Vol. II/83

Read: This office order No. 1/16/66-LQD/Colva-SEVA/ARNZ/Vol. II/82 dated 21st July, 1982 appointing to Shri D. Y. Gawas, Jr. Inspector as a liquidator of Colvale M. P. Service Coop. Society Ltd., Colvale-Bardez in place of Shri S. S. Valvaikar.

Order

In partial modification of this office order cited above, Shri B. Y. Sawant, Jr. Inspector of Coop. Societies, North Zone, Mapusa is hereby appointed as the Liquidator of Colvale M. P. Service Coop. Society Ltd., Colvale-Bardez in place of Shri D. Y. Gawas, with effect from the date of taking over the charge of the society.

Sd/-.

(A. Y. Gore), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 1/17/68/LQD/Pilerna-SEVA/ARNZ/83

Read: This office order No. 1/17/68/LQD/Pilerna-Seva/ARNZ/82, dated 23rd June, 1982 appointing Shri D. Y. Gawas, as the Liquidator of Pilerna Marra M. P. Service Coop. Society Ltd., Pilerna in place of Shri R. T. Verlekar.

Order

In partial modification of this office order cited above, Shri B. Y. Sawant, Jr. Inspector of Coop. Societies, Mapusa is hereby appointed as the Liquidator of Pilerna Marra M. P. Service Coop. Society Ltd., Pilerna-Bardez in place of Shri D. Y. Gawas with effect from the date of taking over the charge of the society.

Sd/-.

(A. Y. Gore), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 1/22/70-SEVA/SALVADOR/ARNZ/83

Read: This office order No. 1/22/70-Seva/SALVADOR/ARNZ/82 dated 5th July, 1982 appointing to Shri D. Y. Gawas, as a liquidator of Salvador-do-Mundo Service Coop. Society Ltd., in place of Shri P. R. Shetye.

Order

In partial modification of this office order referred to above, Shri E. R. Kauthankar, Jr. Inspector of Coop. Societies, Mapusa is hereby appointed as the Liquidator of Salvador-do-Mundo Service Coop. Society Ltd., Salvador-do-Mundo in place of Shri D. Y. Gawas with effect from the date of taking over the charge of the society.

Sd/-.

(A. Y. Gore), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 1/46/80-SEVA/Verem/ARNZ/83

Read: This office order No. 1/46/80-SEVA/Verem/ARNZ/82, dated 12th July, 1982 appointing Shri D. Y. Gawas, as a liquidator of Samata V.K.S.S. Society Ltd., Verem-Bardez in place of Shri R. T. Verlekar.

Order

In partial modification of this office order cited above, Shri E. R. Kauthankar, Jr. Inspector of Coop. Societies, Mapusa is hereby appointed as the liquidator of Samata V.K.S.S. Society Ltd., Verem-Bardez in place of Shri D. Y. Gawas with effect from the date of taking over the charge of the society.

Sd/-.

(A. Y. Gore), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 7/2/66-TRANSPORT/ARNZ/83

Read: This office order No. 7/2/66-TRANSPORT/ARNZ/82/2152 dated 9th August, 1982 appointing to Shri D. Y. Gawas, as a Liquidator of the Goa Goods Transport Coop. Society Ltd., Mapusa in place of Shri A. N. Naik.

Order

In partial modification of this office order referred to above, Shri E. R. Kauthankar, Jr. Inspector of Coop. Societies, Mapusa is hereby appointed as the Liquidator of the Goa Goods Transport Coop. Society Ltd., Mapusa in place of Shri D. Y. Gawas, liquidator with effect from the date of taking over the charge of the society.

Sd/-.

(A. Y. Gore), Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 8th December, 1983.

No. 7/1/75-TRANSP./ARNZ/83

Read: This office order of even No. dated 6th August, 1982 appointing Shri D. Y. Gawas, Jr. Inspector as a Liquidator of The North Goa State Transport Coop. Society Ltd., Mapusa.

Order

In partial modification of this office order referred to above, Shri E. R. Kauthankar, Jr. Inspector of Coop. Societies, North Zone, Mapusa is hereby appointed as Liquidator of The North Goa State Transport Coop. Society Ltd., Mapusa in place of Shri D. Y. Gawas with effect from the date of taking over the charge of the society.

A. Y. Gore, Asstt. Registrar of Coop. Societies, North Zone.

Mapusa, 9th December, 1983.

Revenue Department

Notification

No. 22/188/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of 3L sub Minor and 3LA Sub Minor Ex. Devka village Kathiria.

And Whereas in the opinion of the Government the provisions of sub-section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) are applicable.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

The Government is pleased to direct under sub-section (4) of Section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation* for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Collector of Daman, Daman to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Daman, Daman.

2. The Executive Engineer, Damanganga Canal Distributory Division No. 1, VAPI.

6. A rough plan of the said land is available for inspection in the office of the Collector of Daman, Daman from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6
	Daman	Kathiria	293/3	Makan Radha.	525.00
			297	Bhagwan Devji.	75.00
				Mohamad Sagi.	
				Gulamnabi Rangara.	
			298	Somi Mithal	525.00
			299	Ravia Daji.	900.00
			300	Madhu Lallu.	700.00
			301	Gopal Holiya.	525.00
			302	Soma Datra Machhi.	1000.00
			365/1	Prema Kalan Machhi.	950.00
			365/2	Kikla Somla.	425.00
			365/3	Soma Govan Machhi.	200.00
			366	Manchha Radka.	2375.00
			367/1	Narsi Soma Halpathi.	250.00
			367/2	Kikla Somla.	275.00
			368	Dubrwad Gamthan.	750.00
			369	Kesiya Mangal.	575.00
				Dayla Mangal.	
				Chania Ravia.	
			370	Thakorbhai Nana Patel.	800.00
			376	Gangaben Bijiya Bakiya.	1100.00
				Raman Lallu Kanubhai.	
			392	Gangaben Bijiya Bakiya.	1800.00
				Diwaliben, Babu Sukkal.	
				Bhaniben Sukkal.	
			393	Bhana Bhagwan.	1850.00
			394/1	Gaju Bhagwan.	350.00
			394/3	Ganda Kika.	250.00
			394/6	Kikubhai Kalidas.	200.00
			394/8	Diwaliben Sukkal.	525.00
			395/2	Manchhiben Ganda Dhodia.	350.00
				Jivan Babu.	
				Sukkar Babu.	
			395/3	Kikubhai Kalidas.	275.00
			395/4	Bava Chhibad.	50.00
			396/2	Vallabh Horiya.	1100.00
				Kira morar Tangal.	
			397	Prema Harkha.	425.00
			399	Lalu Chipka.	250.00
				Dhedia Chhipka.	
			404	Ganda Kika.	325.00
			405	Bhikha Mangal.	375.00
			406	Revla Dhodia.	1700.00
				Dhansukh Ravji.	
				Bhagwandas Ravji.	
				Ishwarlal Ravji.	
Total					21,775.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Revenue).

Panaji, 18th January, 1984.

Notification

No. 22/109/83-RD

Whereas by Government Notification No. 22/109/83-RD dated 22-8-1983 published on page 235 to 238, Series II No. 22 of the Official Gazette dated 1-9-1983 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the said land) was likely to be needed for public purpose viz. for Tillari Irrigation Project Left Bank Canal from Ch. 1 km. to 4.35 km.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable, and that the Collector appointed under

paragraph 2 below, shall at any time, on expiry of 15 days from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now therefore the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Special Land Acquisition Officer, Anjunem to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order of the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Special Land Acquisition Officer, Anjunem-Duler-Mapusa, Goa till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Latam-barcem Bicholim	Latam-barcem	28/part	—	Vamanrao Nanasaheb Rane Sardesai. T: — do —	11225.00
			42/part	—	O: Manuel Francis Fernandes. T: Narayan Fotu Lad.	27125.00
			44/part	—	O: Jaisingrao Abasaheb Rane. T: Raosaheb Abasaheb Rane.	16550.00
			45/part	—	O: Jaiwantrao Kakasaheb Rane. T: Jaiwantrao Kakasaheb Rane. O: Phatesing Shripadrao Rane. T: Phatesing Shripadrao Rane. O: Pandurang Dadasaheb Rane. T: Pandurang Dadasaheb Rane.	875.00
			46	1/part	Phatesing Shripadrao Rane. T: Phatesing Shripadrao Rane.	1900.00
			47	1/part	— do —	54.00
			48/part		O: Jaisingrao Abasaheb Rane. T: Raosaheb Abasaheb Rane.	5100.00
			50/part		Jaisingrao Abasaheb Rane. T: Raosaheb Abasaheb Rane.	28700.00
			51/part		Raosaheb Abasaheb Rane. T: — do —	37683.00
			52/part		Shivajirao Abasaheb Rane. T: — do —	1300.00
			53/part		Jaisingrao Abasaheb Rane. T: — do —	19250.00
			54/part		— do — T: — do —	14300.00
			55/part		Jaisingrao Abasaheb Rane. — do —	26100.00
			76/part	1	O: Ganpat Jagannath Kundalkar. Tarabai Vishnu Kundalkar. T: — do —	100.00
				2	Laximan Bablo Gawas. T: — do —	
				3	Ganapat Jagannath Kundalkar. Tarabai Vishnu Kundalkar. — do —	
				4	Ganapat Jagannath Kundalkar. Tarabai Vishnu Kundalkar. — do —	
				5	Comunidade.	
			77	4/part	Maria Luiz Marues. T: — do —	10.00
			77	5/part	O: Ramakant Narayan Borkar. T: — do — O: Dattaram Narayan Borkar. T: — do — O: Umakant Nayaran Borkar. T: — do — O: Ashok Narayan Borkar. T: — do —	1075.00

1	2	3	4	5	6	7
Bicholim	Latam-barcem			7/part	O: Rama Krishna Gawas. T: — do — O: Babaji Laxman Gawas. — do — O: Dattaram Laxman Gawas. — do — O: Vithoba Keshav Gawas. — do —	100.00
				6/part	O: Nakul Narayan Gawas. — do — O: Yeshwant Narayan Gawas. T: — do — O: Anant Narayan Gawas. T: — do — O: Yesso Narayan Gawas. T: — do — O: Babaji Laxman Gawas. T: — do — O: Dattaram Laxman Gawas. T: — do — O: Vithoba Keshav Gawas. T: — do —	350.00
				10/part	O: Nakul Narayan Gawas. T: — do — Yeshwant Narayan Gawas. T: — do — Anant Narayan Gawas. T: — do — Yesso Narayan Gawas. T: — do — Babaji Laxman Gawas. T: — do — Dattaram Laxman Gawas. T: — do — Vithoba Keshav Gawas. T: — do —	3200.00
		201		11/part	O: Shri Fakru Gawas. T: — do — Nakul Narayan Gawas. T: — do — Mukund Ladu Gawas. T: — do — Jairam Gopal Gawas. T: — do — Hari Govind Gawas. T: — do — Babaji Laxman Gawas. T: — do — Dattaram Laxman Gawas. T: — do — Vithoba Keshav Gawas. T: — do — Shantaram Keshav Gawas. T: — do — Shanker Keshav Gawas. T: — do — Nakul Narayan Gawas. T: — do — Yeshwant Narayan Gawas. T: — do — Anant Narayan Gawas. T: — do — Yesso Narayan Gawas. T: — do — Babaji Laxman Gawas. T: — do — Dattaram Laxman Gawas. T: — do — Vithoba Keshav Gawas. T: — do — Gangabai Mahadev Gawas. T: — do —	600.00
				12/part	O: Nakul Narayan Gawas. T: — do — Yeshwant Narayan Gawas. T: — do — Anant Narayan Gawas. T: — do — Yesso Narayan Gawas. T: — do — Babaji Laxman Gawas. T: — do — Dattaram Laxman Gawas. T: — do — Vithoba Keshav Gawas. T: — do — Gangabai Mahadev Gawas. T: — do —	30.00
		203		2/part	O: Maria Luis Marques. T: — do —	18800.00
		203		5/part	O: Amelia Marques. T: — do —	175.00
				6/part	O: Amelia Marques. T: — do —	1100.00
				6/part	O: Ramakanat Narayan Borker. T: — do — O: Prabhakar Narayan Borker. T: — do — O: Dattarama Narayan Borker. T: — do —	2200.00
				7/part		

1	2	3	4	5	6	7
Bicholim	Latam- barcem				Umakant Narayan Borker.	
				T: — do —		
				O: Ashok Narayan Borker.		
		204	1/part	O: Sakharam Ganesh Kasarpalker.		775.00
				T: — do —		
				Harichandra Ganesh Kasarpalker.		
				T: — do —		
			2/part	O: Comunidade.		875.00
				T: Ramakant Narayan Borker.		
			3/part	O: Damodar Narayan Machelkar.		3150.00
				T: Guno Shanker Gayas.		
		205	1/part	O: Comunidade.		525.00
				T: Ramakant Narayan Borker.		
			2/part	O: Damodar Narayan Machelkar.		6900.00
				T: Guno Shanker Gawas.		
				Rama Krishna Gawas (Foti).		
				Jayshri Foti Gawas.		
		805 Part	—	Vamanrao Babasaheb Rane.		9825.00
				T: — do —		
				Prasannalaximi Shripadrao Rane.		
				T: — do —		
				Jaisingrao Abasaheb Rane.		
				T: — do —		
Boundaries:						
North: S. No. 805, Nala S. No. 28, 54, 55, 53, Road, 51, 50, 48, 44, 42, 76/1, 77/5 & 4, S. No. 204/1&2, 203/6, 7, 5 & 2 S. No. 201/2, 5, 196/3, 1, 197/0, 195/1, 2.						
South: S. No. 805, Nala S. No. 28, 54, 55, 53, 52, 51, 46/1, 47/1, 45, 44, 42, Road 204/3, 205/2, 203/2, 201/16, 10, 11, 12, 7, 2, 196/3, 2 & 1 197/0, 195/7, 5, 4, 3.						
East: Road 195/3, 4, 5, 7, S. No. 196/2, 3, 197/0, 201/2, 201/7, 11, 12, 10, 16.						
West: Road S. No. 195/2, 1, 196/1, 3, 197/0, 201/2, 5, S. No. 806.						
Total						300537.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Revenue).

Panaji, 12th January, 1984.

Notification

No. 22/11/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. for construction of a ramp booking Office approach road and passenger Shelter at Kiranpani,

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act,

be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector, Goa North Division, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Deputy Collector, Goa North Division, Panaji.
3. The Captain of Ports, Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector, Goa North Division, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Pernem	Paliem	216	2 part	Vishnu Ganesh Deshpabhu.	650.00
				4 "	— do —	200.00
				5 "	— do —	150.00
				6 "	— do —	170.00
				7 "	— do —	200.00
				8 "	— do —	215.00
				9 "	— do —	200.00
				10 "	— do —	225.00
Boundaries:						
North: River.						
South: Road.						
East: S. No. 216/2 & 216/11.						
West: S. No. 216/2 & 216/3.						
Total						2010.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 25th January, 1984.

Notification

No. 22/195/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of a School building for Govt. Primary School, Mangor Hill Vasco-da-Gama of 7. rooms and one staff/office room in Mormugao Taluka.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector (Magisterial), Collectorate of Goa, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Deputy Collector (Magisterial), Collectorate of Goa, Panaji.
3. The Deputy Director of Education (Adm.) Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Addl. Deputy Collector (Magisterial), Collectorate of Goa, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Vasco-da-Gama	—	158 Chalta No. 1/part	Comunidade of Vasco-da-Gama (Mormugao).	3050.00
Boundaries:						
North: Road, Chalta No. 2, 1 of P.T.S. No. 158.						
South: Chalta No. 1 (Road).						
East: Chalta No. 1, 2/P.T.S. No. 158.						
West: Chalta No. 1 of P.T.S. No. 158 (Road).						
Total						3050.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Revenue).

Panaji, 18th January, 1984.

Notification
No. 22/124/82-RD

Whereas by Government Notification No. 22/124/82-RD dated 12-11-1982 published on page 449-450 of Series II, No. 34 of the Official Gazette, dated 18-11-1982, it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) that the land specified in the schedule appended to the said Notification (hereinafter referred to as the said land), was likely to be needed for public purpose viz. construction of Administrative Building and Staff quarters for Kadamba Transport Corporation Ltd. (Company) at Porvorim.

And whereas the Government is of the opinion that its acquisition is urgently necessary, the provisions of sub-section (1) and sub-section (4) of Section 17 of the said Act are made applicable, and that the Collector appointed under

paragraph 2 below, shall at any time, on expiry of 15 days from the publication of notice relating to the said land under sub-section (1) of Section 9 of the said Act, take possession of the said land.

Now therefore the Government is pleased to declare under the provision of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Dy. Collector, Panaji to perform the functions of the Collector for all proceedings hereinafter to be taken in respect of the said land and to direct him under Section 7 of the said Act to take order of the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the Addl. Dy. Collector, Panaji, till the award is made under Section 11.

SCHEDULE

(Description of the said land)

Taluka	Village	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Area in sq. mts.	
1	2	3	4	5	6	
Bardez	Salvador do Mundo	145	1	H: Defence Colony.	13480.00	
		145	6 (part)	H: Defence Colony.	31.00	
		145	7 (part)	T: Baburao Kerkar.	79.00	
		145	8	H: Defence Colony.	87.00	
		145	9	T: Basuso Naik.	181.00	
		145	10	H: Defence Colony.	131.00	
		145	11	T: Shripad Naik.	125.00	
		145	12	H: Defence Colony.	137.00	
		145	13	T: Atmaram Mandrekar.	169.00	
		145	14	H: Defence Colony.	337.00	
		145	15	T: Ramchandra Madan Naik.	330.00	
		145	16	H: Defence Colony.	365.00	
		145	17	T: Savlo Dhondy Bala.	331.00	
		145	18	H: Defence Colony.	433.00	
		145	19	T: Monica Sequeira.	428.00	
		145	20	H: Defence Colony.	187.00	
		145	21	T: Rita Fernandes.	181.00	
		145	22	H: Defence Colony.	275.00	
		145	23	T: Magdalina Coelho.	665.00	
		145	24	H: Defence Colony.	765.00	
		145	25	T: Sudhakar Falgo.	461.00	
		145	26	H: Defence Colony.	507.00	
		145	27	T: Yeshwant Mandrekar.	290.00	
		145	28	H: Defence Colony.	25.00	
					T: Narayan Upi Madkaikar.	
					T: Datta Vishram Sounekar.	
					T: Bayu Malvankar.	
					T: Janki Salgaonkar.	
					T: Sahadev Bhicu Mandolkar.	
					T: Subhas Ganesh Paliencar.	
			T: Banu Santu Pol.			
			T: Kusulem Laxman Dalvi.			
			T: Yeshwant Vishnu Sounekar.			
Total					20,000.00	

By order and in the name of the Lt. Governor of Goa, Daman and Diu,

K. N. S. Nair, Under Secretary (Revenue).

Panaji, 18th January, 1984.

Notification

No. 22/13/84-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of road linking to Accaro Island at Jua.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect

under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector, Goa North Division, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Deputy Collector, Goa North Division, Panaji.
3. The Executive Engineer, Road and Bridges, North II, P. W. D., Panaji.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector, Goa North Division, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Tiswadi	Jua	229	1/part	Comunidade of Jua.	925.00
				2/part	Miguel Jose Joao Baptista. Antonio Francisco de sa.	625.00
				4/part	Antonio Francisco Dias. Francisco Joao Dias. Jose Dias. Mateus Dias. Basilio Dias. Maria Guilhermina Dias.	200.00
			228	1/part	Comunidade of Jua.	85.00
			225	6/part	Comunidade of Jua.	85.00
				7/part	Luis Bonagarto Alboinde Fonseca.	15.00
				8/part	Vicento Xavier Lobo.	30.00
				9/part	Maria Esperanca Matos. Maria Geaca Matos.	15.00
			226	3/part	Cysil Bray Dias.	350.00
				4/part	Luis Bonaparto Alboim de Fonseca.	120.00
				5/part	Vicento Xavier Lobo.	70.00
				6/part	Maria Esperanca Matos. Maria Graca Matos.	25.00
Boundaries:						
North: Survey No. 229/1,2,4, S. No. 228/0, S. No. 226/3,4,5 & 6 River.						
South: River Mandovi, S. No. 229/1 & 4, S. No. 228/0, S. No. 225/6,7,8, & 9, 226/3, Road.						
East: Road, S. No. 229/2,1, & 4, S. No. 288/0 & S. No. 226/3, 4, 5 & 6, river.						
West: Survey No. 229/1 & 4, S. No. 228/0 & S. No. 225/7,8.						
Total						2545.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 27th January, 1984.

Notification

No. 22/185/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For allotment of house sites under new 20 point programme at Talaulim.

And Whereas in the opinion of the Government the provisions of sub-section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) are applicable.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

The Government is pleased to direct under sub-section (4) of Section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the

said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Addl. Deputy Collector, Goa North Division, Panaji to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Additional Deputy Collector, Goa North Division, Panaji.
3. The Block Development Officer, Ponda.
4. The Director of Land Survey, Panaji.

6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector, Goa North Division, Panaji from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Name of the person believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Ponda	Talaulim	—	22/1 Part	Rajaram Narayan Shet Bandekar.	3500.00
Boundaries:						
North: Survey No. 25/23.						
South: Survey No. 22/1.						
East: Nalla Survey No. 22/1 Road.						
West: Survey No. 22/1.						
Total						3500.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 27th January, 1984.

Notification

No. 22/46/82-RD

Whereas by Government Notification No. 22/46/82-RD dated 27-5-82 published on page 127 of Series II, No. 11 of the Official Gazette, dated 10-6-82 it was notified under Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as "the said Act") that the land, specified in the schedule appended to the said Notification (hereinafter referred to as the "said land") was likely to be needed for the public purpose viz. for Improvement of Curve on State Highway Sanvordem-Dharbandora road at Sanvordem.

And Whereas the appropriate Government (hereinafter referred to as "the Government") is satisfied after considering the report made under sub-section (2) of Section 5A of the

said Act, that the said land specified in the schedule hereto is needed to be acquired for the public purpose specified above.

Now, Therefore, the Government is pleased to declare under the provisions of Section 6 of the said Act that the said land is required for the public purpose specified above.

2. The Government is also pleased to appoint under clause (c) of Section 3 of the said Act, the Land Acquisition Officer, P.W.D. (Cell) Altinho-Panaji to perform the functions of a Collector for all proceedings hereinafter to be taken in respect of the said land, and to direct him under Section 7 of the said Act to take order for the acquisition of the said land.

3. A plan of the said land can be inspected at the office of the said Land Acquisition Officer, P.W.D. (Cell) Altinho, Panaji till the award is made under Section 11.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Sanguem	Sanvordem	42	1(part)	Hirabai Viswanbar Sinai Laad.	170.00
			50	1(part)	Upendra Narsinva Sinai Nadkarni Sanvordekar.	160.00
Boundaries:						
North: Road & Nala.						
South: S. No. 50/1 & 42/1 & Nala.						
East: S. No. 50/1 & 42/1 & Nala.						
West: Road & Nala.						
Total						330.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 6th February, 1984.

Notification

No. 22/198/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For construction of two rooms and one staff room/office for G.P.S. Zuarinagar, Sancoale, Mormugao.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, mortgage, assignment, exchange or otherwise, or any outlay commenced or improvements made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette, in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Deputy Collector (Est.), Collectorate of Goa, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section (4) of the said Act, the following officers to do the acts, specified therein in respect of the said land.

1. The Collector of Goa, Panaji.
2. The Addl. Deputy Collector (Est.), Collectorate of Goa, Panaji.
3. The Dy. Director of Education, Panaji.
4. The Director of Land Survey, Panaji.
6. A rough plan of the said land is available for inspection in the office of the Addl. Dy. Collector (Est.), Collectorate of Goa, Panaji, for a period of 30 days from the date of publication of this Notification in the Official Gazette.

SCHEDULE

(Description of the said land)

Sr. No.	Taluka	Village/Ward	Plot No.	Survey No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Mormugao	Sancoale		122 1/part	Comunidade of Sancoale.	4000.00
Boundaries:						
North: Survey No. 122/1.						
South: Road.						
East: Survey No. 122/1.						
West: Survey No. 122/1 & Survey No. 122/2.						
Total						4000.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

K. N. S. Nair, Under Secretary (Revenue).

Panaji, 18th January, 1984.

Notification
No. 22/167/83-RD

Whereas it appears to the Appropriate Government (hereinafter referred to as "the Government") that the land specified in the schedule hereto (hereinafter referred to as the "said land") is likely to be needed for public purpose viz. For allotment of House Sites under 20 point programme at Davorlim.

And Whereas in the opinion of the Government the provisions of sub-section (1) of Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as the said Act) are applicable.

Therefore the Government is pleased to notify under sub-section (1) of Section 4 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the said land is likely to be needed for the purpose specified above.

The Government is pleased to direct under sub-section (4) of Section 17 of the said Act that the provisions of Section 5A of the said Act shall not apply in respect of the said land.

2. All persons interested in the said land are hereby warned not to obstruct or interfere with any surveyor or other persons employed upon the said land for the purpose of the said acquisition. Any contracts for the disposal of the said land by sale, lease, mortgage, assignment, exchange or otherwise or any outlay commenced or improvement made thereon without the sanction of the Collector appointed in paragraph 4 below, after the date of the publication of this Notification, will under clause (seventh) of Section 24 of

the said Act, be disregarded by him while assessing compensation for such parts of the said land as may be finally acquired.

3. If the Government is satisfied that the said land is needed for the aforesaid purpose, a declaration to that effect under Section 6 of the said Act will be published in the Official Gazette in due course. If the acquisition is abandoned wholly or in part, the fact will be notified.

4. The Government is further pleased to appoint under clause (c) of Section 3 of the said Act the Additional Deputy Collector, Shri M. N. Bhartia, Collectorate of Goa, Panaji, to perform the functions of a Collector under the said Act in respect of the said land.

5. The Government is also pleased to authorise under sub-section (2) of Section 4 of the said Act, the following officers to do the acts, specified therein in respect of the said land.

- 1. The Collector of Goa, Panaji.
- 2. The Additional Deputy Collector (Shri M. N. Bhartia), Collectorate of Goa, Panaji.
- 3. The Block Development Officer, Salcete, Mormugao, Margao Goa.
- 4. The Director of Land Survey, Panaji.
- 6. A rough plan of the said land is available for inspection in the office of the Additional Deputy Collector (Shri M. N. Bhartia), Collectorate of Goa, Panaji from the date of publication of this Notification in the Official Gazette.

SCHEDULE
(Description of the said land)

Sr. No.	Taluka	Village/Ward	Survey No.	Sub-Div. No.	Names of the persons believed to be interested	Approximate area in sq. mts.
1	2	3	4	5	6	7
	Salcete	Davorlim	22	1	Comunidade of Davorlim.	18600.00
Boundaries:						
North: Survey No. 15 and village S. Jose de Areal.						
South: Survey No. 23/1 and road.						
West: Survey No. 21/2.						
East: Village S. Jose de Areal and Road.						
Total						18600.00

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 25th January, 1984.

Notification
No. RD/LQN/359/77

Whereas by Government Notification No. RD/LQN/359/77 dated 19-3-1980 published on page 1 of Series II, No. 1 of the Official Gazette dated 3-4-1980 it was notified under Section 6 of the Land Acquisition Act, 1894 (hereinafter referred to as the "said Act") that the land specified in the schedule appended to the said notification (hereinafter referred to as the "said land") was needed for public purpose viz. for Housing Government Primary School at St. Inez, Panaji.

And whereas in the opinion of the appropriate Government (hereinafter referred to as the "Government") the said land is not required for the aforesaid purpose.

Now, therefore, the Government is pleased to declare under Sub-section (1) of Section 48 of the said Act that it has withdrawn from acquisition of the said land for the aforesaid public purpose and that the aforesaid Government notifica-

tion shall be deemed to be cancelled so far as it relates to the said land. The persons interested in the said land, may lodge to the Deputy Collector Goa North Division, Panaji within a period of thirty days from the date of this notification claims under Sub-section (2) of Section 48 of the said Act, for the damages suffered by them in consequence of the notice or of any proceedings thereunder and for costs reasonably incurred by them in persecution of the proceedings under the said Act relating to the said land.

A plan of the land, shall be available for inspection in the Office of the Deputy Collector, Goa North Division, Panaji for a period of thirty days from the date of this notification.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 9th February, 1984.

Notification

No. RD/TNC/BND/280/67(part file)

In pursuance of the proviso to sub-section (3) of Section 26 of the Goa, Daman and Diu Agricultural Tenancy Act, 1964, the Government hereby specify the following bund prescribed in the schedule appended hereto as protective bund for the purpose of the said proviso:—

SCHEDULE

Sr. No.	Name of the bund	Village	Taluka	Approximate area protected (in Hectares)	Description of the bund
1	2	3	4	5	6
1.	"Erco bund"	Goa-Velha	Tiswadi	6.00 + 20 Ha. in-directly.	The bund is starting from the paddy field "Erco" situated at Goa-Velha belonging to Mrs. Sarra M. Caldeira of Panaji and ending with the paddy field "Chao Khasan" at Goa-Velha, belonging to the Comunidade of Goa-Velha. The bund is running marginal to the creek of River Zuari. The approximate length of the bund is 150 mts.

By order and in the name of the Lt. Governor of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 4th February, 1984.

Corrigendum

No. 22/15/82-RD

Read: Notification No. 22/153/83-RD dated 16-12-1983 published in the Official Gazette dated 12-1-1984, Series II, No. 41 page 490.

The case shown at serial No. 48 may be deleted from the above Notification.

By order and in the name of the Administrator of Goa, Daman and Diu.

M. S. Sail, Under Secretary (Revenue).

Panaji, 8th February, 1984.

Public Health Department

Order

No. 5-63-82/PHD

Read: 1. Memorandum No. 6-63-82/PHD dated 27th April, 1983.

2. Order No. 5-63-82/PHD dated 28th July, 1983.

The offer of appointment to the post of Professor and Head, Department of Orthopaedic Surgery, Goa Medical College issued vide Memorandum referred to above and subsequent Order, referred to above, appointing Dr. Surendra Sharma to the abovesaid post, are hereby cancelled as Dr. Sharma has not joined the post by the prescribed date after accepting the offer of appointment.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 7th February, 1984.

Order

No. PHD/1(6)/76/Appt/SUR

On the recommendation of the Union Public Service Commission, Dr. Pradeep Kumar Das is hereby appointed to the post of Sr. Surgeon under the Directorate of Health Services on regular basis and posted at Primary Health Centre, Pernem in the scale of Rs. 1100-50-1600 and on the terms and conditions contained in the Government Memorandum of even number dated 29-10-1983. Dr. Das should report to the Directorate of Health Services, Panaji immediately.

Dr. Das has been medically examined and found fit by the Central Special Medical Board, Safdarjang Hospital, New Delhi.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 8th February, 1984.

Order

No. 5/140/80-PHD-Vol. I (Part file)

On the recommendations of the Union Public Service Commission Dr. Ramchandra A. Kolvekar is hereby appointed to the post of Medical Officer/Rural Medical Officer in the Directorate of Health Services on regular basis with effect from 30-11-1983 on the terms and conditions contained in the Government Memorandum of even number dated 3-1-1984. Dr. Kolvekar shall continue to work at Primary Health Centre, Sanguem.

Dr. Ramchandra Kolvekar has already been medically examined and found fit by the Medical Board, Panaji at the time of his ad-hoc appointment.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 8th February, 1984.

Order

No. 5/109/83-PHD

The resignation tendered by Dr. Ravindra P. Wagh, Public Health Dentist, Primary Health Centre, Bicholim under the Directorate of Health Services is accepted with effect from the date of his relief.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Health).

Panaji, 9th February, 1984.

Industries and Labour Department

Order

No. 3/103/78-ILD-Vol. I

On the recommendation of the Departmental Promotion Committee, Shri G. S. Panwar, Director of Design and Development Centre in the Directorate of Industries and Mines is

hereby confirmed in the post of Director of Design and Development Centre (Rs. 1100-1600 Group 'A' Gazetted) in the Directorate of Industries and Mines with immediate effect.

This issues with the approval of Union Service Commission vide their letter No. F. 12/13(5)/83-Au-II dated 7th January, 1984.

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).
Panaji, 7th February, 1984.

Order

No. 28/39/83-ILD

Whereas the Lieutenant Governor of Goa, Daman and Diu is of the opinion that an industrial dispute exists between the management of M/s. Agencia E. Sequeira, Campal, Panaji-Goa, and their workman Shri Khushali Chari, Foreman, resident of Shiroda, Ponda-Goa, in respect of the matters specified in the Schedule annexed hereto (hereinafter referred to as the 'said dispute');

And whereas the Lieutenant Governor of Goa, Daman and Diu considers it expedient to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Lieutenant Governor of Goa, Daman and Diu hereby refers the said dispute for adjudication to the Industrial Tribunal of Goa, Daman and Diu, Panaji, constituted under section 7-A of the said Act.

SCHEDULE

"Whether the action of the management of M/s. Agencia E. Sequeira, Campal, Panaji-Goa, in terminating the services of Shri Khushali Chari, Foreman, Shiroda, Ponda, Goa by way of dismissal, with effect from 12-12-1982 is legal and justified?

If not, to what relief the workman is entitled to?"

By order and in the name of the Lieutenant Governor of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).
Panaji, 4th February, 1984.

Order

No. 28/2/79-ILD

The following Awards given by the Industrial Tribunal, Goa, Daman and Diu are hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).
Panaji, 3rd January, 1984.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN & DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/46/82

1. Workmen

— Party I

V/s.

1. M/s. City Beverages

— Party II

Workmen/Party I represented by Adv. M. Pinto Almeida.

Employer/Party II represented by Shri B. G. Kamat, Labour Advisor.

Panaji. Dated: 16-12-1983

AWARD

This is a reference made by the Government of Goa, Daman & Diu, to this Tribunal, by its Order No. 28/8/82-ILD dated 23rd September, 1982. The schedule annexed to the Order of Reference reads as follows:

"Whether the action of the management of M/s. City Beverages Comba Margao, Salcette-Goa in terminating the services of Miss Luiza Moraes, Miss Anita Sakhalkar and Miss Kamal Nagvenkar, all Helpers with effect from 20-11-1981 is legal and justified?

If not, to what relief the said workmen are entitled to?"

2. The Union filed its statement of claim, which is signed by its President and General Secretary. The employer filed its written statement, in which the maintainability of the Order of Reference is challenged on the following grounds:

i) The Union has no locus standi to sponsor the dispute so as to invest it with the status of an industrial dispute; the Union also cannot claim the representative character in such a way that its support to the cause would make the dispute an industrial dispute.

ii) Without prejudice to the above contention, it is denied that all the workmen authorised the Union, at the time or before the reference, to represent or spouse the workmen's cause by raising an industrial dispute with the employer.

3) In view of the above objection raised by the employer, the following preliminary issues were framed by the Tribunal:

"1. Whether the employer proves that the reference is bad in law and not maintainable for reasons mentioned in para 1 of the written statement?

1(a) Whether the Union proves that it has been duly authorised by the concerned workmen to sponsor or espouse their cause?"

4) Neither the employer nor the Union led any evidence on the above preliminary issues. On the date fixed for arguments, only the employer's representative remained present and argued.

5) I have given due consideration to the arguments advanced by the Ld. representative of the employer and arrived at the conclusion that the Union has no locus standi in this case to espouse or sponsor the workman's cause; and I say so for the following reasons:

6) Since the locus standi of the Union to represent the workmen is challenged by the employer, it was for the Union to prove before the Tribunal that it was duly authorised to represent the cause of the workmen, which the Union has failed to do.

In the Ruling of the Calcutta High Court in the case of Deepak Industries Limited and another V/s. State of West Bengal and others, reported in LIC Vol. II 1975 page 1153, it was held that when a dispute is espoused or sponsored by the Union and the authority of the Union is challenged by the employer, it must be proved by production of material evidence before the Tribunal that the Union has been duly authorised, either by Resolution of its members or otherwise, that it has authority to represent the workmen, whose cause it is espousing. It was further held in the same Ruling that mere negotiations by some official of the Union with the employers for conciliation or executing certain documents on behalf of the workmen prior to the reference are not conclusive to give the dispute character of an industrial dispute within Section 2(k) of the Act and also not conclusive of the authority of the Union to represent the workmen whose dispute it is alleged to be espousing before the Tribunal.

7. Since the Union has not produced any authority to justify its espousing the cause of the concerned workmen, the dispute in question cannot be considered as an industrial dispute within the meaning of the Act and, hence, the Government had no jurisdiction to refer to the Tribunal the said dispute under Section 10(1) of the Act.

8. I, therefore, pass the following order:

ORDER

The reference in question is bad in law and not maintainable, as the Government was not empowered to refer the dispute, which is not an industrial dispute, to this Tribunal for adjudication. This reference, therefore, to be treated as disposed off.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

**IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN
AND DIU, PANAJI-GOA**

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Reference No.: IT/31/83

1. Shri Keshav Gawas and 3 Others — Workmen/Party I
V/s.

2. M/s. Bharat (Goa) Fruit Distilleries — Employer/Party II
Panaji, Dated: 5-12-1983

Workmen/Party I represented by Shri George Vaz, Union
Leader.

Employer/Party II represented by Shri Ramesh Desai,
Labour Advisor.

AWARD

This is a reference made to this Tribunal by the Govt. of Goa, Daman & Diu, by its order No. 28/9/82-ILD dated 13th July, 1983. The schedule annexed to the Order of Reference reads as follows:

"Whether the striking of the names of S/Shri Keshav Gawas, Anil Pednekar, Satyawar Mayekar and Gopal Gawas unskilled mazdoors, from the rolls with effect from 16-3-1982 by the employer M/s. Bharat Goa Fruit Distilleries, Nanora-Goa is justified?"

If not, to what relief the workmen are entitled to?"

2. The Union, in its statement of claim, has stated as follows:

At the outset it must be stated that The Bharat (GOA) Fruit Distilleries at Nanora is a modern distillery at Nanora, the first of its kind in Goa, of which the proprietor: K. P. D. Bhakta residing at Altinho, MAPUCA, Bardez GOA, has had the distinction to be awarded the Transworld Trade Fair Selection Award 1982 a gold medal of five star ranking and the International Trade Fair Super Selection Award, 1982, which is a pure Diamond Medal with eight star ranking for the high quality Cashew Feni products.

However, this highly reputed Factory has feet of clay and while employing some 30 workers to all the stages of processing and distilling the Cashew Feni from the raw product produced by extracting the juice from the Cashew apple to the final stage of bottling, labelling and sealing the cartoons.

These workers are paid from Rs. 6.00 per day to Rs. 8.06 per day with no other allowances or fringe benefits. Only two workers being paid at the rate of Rs. 13/- or Rs. 15/- per day.

The present dispute has arisen because the Proprietor was forcing four of his employees to make fresh applications for jobs so that he could give them fresh appointments and thereby break their continuous service of two years and more. On these employees refusing to submit such fresh applications, their names were struck off the muster and they were asked verbally to discontinue working in the factory. This happened on 16th March 1982. The four workers thus terminated being S/Shri Keshava V. Gawas, A. D. Pednekar, Satyawar V. Manerkar and Gopal S. Gawas.

The date of joining the Distillery of the four workers is as given below:

Keshava V. Gawas	— 23-2-1981
Satyawan Mayekar	— 1-11-1980
Anil V. Pednekar	— 6-12-1980
Gopal Gawas	— 20-12-1980

They have all completed over 240 days of attendance and two continuous years of service.

The Termination of these workers was high-handed and in violation of all principles governing employer/employee relations. No show cause notice, Chargesheet or enquiry preceded the termination of these workers. Neither were they paid one months notice pay in lieu of Notice to term this simple termination. The terminations were illegal and in violation of the principles of natural justice.

The four workers terminated were mainly doing the brushing and washing of bottles, filling of bottles with the distilled liquor (feni) the labelling and sealing of the bottles of various sizes (full bottles & half bottles and pints) and this finished product was lastly packed in

'Cartoons' of 840 small bottles or 12 Bottles (Large) in separate cartoons or 24 Half Bottles (1/2 Size). The record of these workers was very good and upto 100 cartoons were packed everyday ready for export.

They have been terminated lest they ask for enhanced wages and the proprietor came to know that these workers had approached the Union viz. The Goa Trade & Commercial Workers Union of Assonora, Bardez Goa. On the four workers being disallowed from working the Union had immediately written to the proprietor of Messrs. Bharat (GOA) Fruit Distillery, Nanora in Union letter DIST/NANORA/5/1982 dated 16-3-1982. The stand taken during conciliation proceeding that the workmen had abandoned their services will not stand the test of scrutiny.

The Union representing the workmen has demanded that the four workers be reinstated with full back wages and continuity of service because they had to face great hardships having been suddenly thrown out of service with nothing to fall back upon. They were not even cleared their wages as due before being terminated, and as during the two years of their service in this distillery they had attained certain amount of skill as fillers and bottlers and packers such type of work was not readily available and they had to revert to their traditional occupations in agriculture.

Justice demands that an employer who ignoring the laws of the land and flouting all principles of natural justice continues to hire and fire workmen without justifying his actions has to be given a maximum penalty and these workers who have been wrongfully terminated have to be reinstated with full back wages and continuity of service.

3. Before any written statement was filed by the employer, the parties settled the dispute amicably between them and filed an application before the court praying that a consent award be passed on the terms of settlement arrived at between them, which terms were filed alongwith the application.

The settlement terms are as follows:

- The Management of M/s. Bharat (GOA) Fruit Distilleries, Nanora, Bardez, GOA, agree to consider S/Shri Keshav Gawas, Anil Pednekar, Satyawar Mayenkar and Gopal Gowas to be in employment from the date of termination 16-3-1982 to the date of closure of the establishment 31-5-1983.
- The above four workmen agree that their continued employment under clause (a) above shall be restricted to the period mentioned in the said clause and hereafter they will be treated as if retrenched and paid one months Notice Pay and Compensation for past service.

It is agreed that for computing their past service the dates of joining as on record will be taken to compute their length of service.

Name	Date of joining	Rate of wages
Shri Keshava V. Gawas	23-2-1981	Rs. 7/- p. d.
Shri Anil Pednekar	6-12-1980	Rs. 8/- p. d.
Shri Satyawar Mayekar	1-11-1980	Rs. 8/- p. d.
Shri Gopal Gowas	20-12-1980	Rs. 8/- p. d.

- The employer agrees to pay each of the above workmen under Clause (a) towards full and final settlement of all their claims (including claim for reinstatement) as under:

Name of the workman	Amount
1. Keshav Gawas	Rs. 3003-00
2. Anil Pednekar	Rs. 3432-00
3. Satyawar Mayekar	Rs. 3536-00
4. Gopal Gawas	Rs. 3432-00

The parties agree that on account of BHARAT (GOA) FRUIT DISTILLERIES being sold to other parties, the new employer shall have no liability whatsoever in respect of four workmen mentioned under clause (a) above for the period subsequent to 31-5-1983. The parties hereby pray that this Hon'ble Tribunal may be pleased to pass a consent award in terms of the above clauses."

4. I have carefully perused the above terms of settlement and feel that they are fair and just to both the parties. Hence, I accept them and pass the following Order:

ORDER

Consent Award in terms of the above settlement is hereby made and the matter is disposed off with no order as to costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

IN THE LABOUR COURT GOA, DAMAN & DIU, PANAJI-GOA

(Before Dr. Renato de Noronha, Hon'ble Presiding Officer)

Application No.: LCC/36/79

1. Shri Ankush N. Pednekar — Applicant
V/s.

1. Margao Municipal Council — Opponent

Applicant represented by Adv. A. Nigalye.

Opponent represented by Adv. R. M. Lotlikar.

Panaji. Dated: 14-12-1983

AWARD

This is an application filed by the above applicant against the above opponent under Section 33C(2) of the I.D.A., 1947, in short the Act, claiming from the latter a total sum of Rs. 430/-, as difference in salary.

2. The Opponent, in its written statement, has challenged the jurisdiction of this court to entertain and try this application on the ground that the very appointment of the applicant as Supervisor is in dispute. It is further submitted that the applicant has preferred an appeal under Section 36(6) of the Goa, Daman & Diu Municipal Act, 1968 to the Standing Committee of the Margao Municipal Council, praying that he may be declared as Supervisor and paid arrears of wages applicable to the post of Supervisor and this appeal is still pending; that the applicant's claim is barred by limitation; that the applicant was working as a Helper-Peon and continues to work in the same capacity. It is denied that he was absorbed and posted in the municipal market to perform the duties of Supervisor; in any event the dispute regarding the alleged promotion of the applicant stands fully and finally decided by the Award of the Arbitrator dated 20-9-75, which Award has been fully implemented.

3. Following issues were framed by the Court:

- "1. Does the Opponent prove that this Court has no jurisdiction to entertain and try this Application?
2. Does the Applicant prove that the Application is barred by limitation?
3. Does the Opponent prove that the Applicant's appointment as Supervisor is under dispute?
4. Does the Opponent prove that the Applicant has filed an Appeal U/S 76(6) of the Goa, Daman and Diu Municipality Act, 1968, to the Standing Committee of the Opponent praying to be declared a Supervisor and to be paid of the arrears of Wages applicable to a Supervisor?
5. Does the Applicant prove that he is entitled for the following benefits:

(i) Difference in pay @ Rs. 6/- from 6th Jan. 75 to 31-12-75	72-00
(ii) Difference in pay @ Rs. 7/- from 1-1-76 to 31-12-76	84-00
(iii) Difference in pay @ Rs. 8/- from 1-1-77 to 31-12-77	96-00
(iv) Difference in pay @ Rs. 9/- from 1-1-78 to 31-12-78	108-00
(v) Difference in pay @ Rs. 10/- from 1-1-79 to 31-7-79	70-00
Total	430-00

6. Does the Opponent prove that the Applicant is working as Helper-Peon?

7. Does the Opponent prove that the matter has been finally decided by Award made on 20-9-1975 by then Secretary Industries & Labour, Shri S. R. Arya?"

4. On the above issues, only the applicant led his own evidence.

In his evidence, the applicant has stated that, after his post as helper in the Margao Municipal Council was abolished, he was orally told to perform the duties as Supervisor in the Market. This was in the year 1969. On 6-1-1975, an order was issued designating him as Supervisor in the pay scale of Rs. 210 ... 270/- (Exh A-1). He has produced a copy of the Resolution No. 688 dated 8-11-1974 designating him as Supervisor (Exh A-2). After he was appointed as Supervisor, the Union of the employer raised objection to such appointment and the matter was referred to an Arbitrator. The decision of the Arbitrator went against the workman, but, nevertheless, he continued to perform the duties of Supervisor.

The column of his designation in the muster roll was kept blank but, prior to that, his designation was helper to the Weights and Measures Incharge. After this decision, he was paid his salary as before i.e. as Helper. In the year 1978, he was designated as Peon in the Muster roll. Against that, he preferred an appeal to the Standing Committee of the Council. He has produced a copy of the Resolution No. 2351 dated 11-2-80 (Exh A-3) to the effect that the applicant shall continue to be a Supervisor drawing the salary as per Exh A-1.

In his cross, he has denied the suggestion that he was not working as Supervisor and that he was not entitled to the wages of Supervisor.

5. Exh A-1 is the copy of the Order dated 6-1-1975 of the Chief Officer of the Margao Municipal Council, designating the applicant as Supervisor in the existing vacancy in the pay scale of Rs. 210 ... 270/-, w.e.f. 6-1-1975, in view of the Resolution No. 688 dated 8-11-1974 of the Standing Committee of the Council.

Exh A-3 is the copy of the Resolution No. 2351 dated 11-2-1980 of the Standing Committee of the Council which reads as follows:

"The Chairman placed before the Committee the appeal preferred by Shri Ankush Pednekar, — Peon under Section 76(6)(i) of the Goa, Daman and Diu Municipalities Act, 1968, against the memorandum No. MMC/Admn/128/79 dated 19-1-1979 of the Chief Officer, of Margao Municipal Council informing him that his (Pednekar's) request to pay difference in salary cannot be considered in view of the award of the Arbitrator given on 20-9-1975 in connection with his designation as Supervisor by resolution No. 688 dated 8-11-1974. The Committee discussed the above appeal with reference to the Award of the Arbitrator and office report and unanimously gave its decision as follows: "Appeal allowed. Appellant will continue to be a Supervisor as per the resolution No. 688 dated 8-11-1974 of the Standing Committee. He is entitled to draw as per the Order No. MMC/Adm/13/27/75 dated 6-1-1975 of the Chief Officer."

The Award dated 20-9-1975 given by the Arbitrator and published in the Government Gazette No. 28 of 9-10-1975, II Series has also been produced. The said Award has held that the orders Nos. ADM/17/75 and ADM/106/23/75 dated 6-1-1975 and 3-2-1975 resp. were neither legal nor justified. The matter was referred to the Arbitrator in view of an agreement entered into between the Margao Municipal Council and the Goa Municipal Worker's Union under Section 10(A) of the I.D.A., 1947.

In spite of this Award, the Standing Committee of the Margao Municipal Council passed a Resolution No. 2351 (Exh A-3) holding that the applicant will continue to be Supervisor as per Resolution No. 688 dated 8-11-1974 and entitled to draw salary as per Order No. MMC/ADM/13/27/75 dated 6-1-1975 of the Chief Officer.

6. In view of these two contradictory decisions, the Court will have to decide which of these decisions should prevail. In view of the agreement entered into between both the parties, the Award given by the Arbitrator is binding on both of them. Being so, the Standing Committee of the Council could not pass a Resolution contradicting the said Award, which is binding on the council. The resolution No. 2351 Exh A-3 is, therefore, bad in law and of no effect. The Award will prevail and, in terms of it, this application has to be dismissed.

7. In view of the above, I pass the following Order:

ORDER

The applicant's application claiming difference in salary is hereby dismissed. In the circumstances of the case, I leave each party to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Labour Court

Order

No. 28/2/79-ILD

The following Award given by the Industrial Tribunal, Goa, Daman and Diu is hereby published as required under the provisions of Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947).

By order and in the name of the Administrator of Goa, Daman and Diu.

S. D. Sadhale, Under Secretary (Industries and Labour).

Panaji, 25th January, 1984.

IN THE INDUSTRIAL TRIBUNAL GOA, DAMAN AND DIU, PANAJI GOA

(Before *Dr. Renato de Noronha*, Hon'ble Presiding Officer)

Reference No.: IT/25/77

- | | |
|---|------------|
| 1. Workmen | — Party I |
| V/s. | |
| 1. M/s. Goa Shipyard Ltd. | — Party II |
| Workmen/Party I represented by Adv. F. Rebelo. | |
| Employer/Party II represented by Shri Ramesh Desai, Labour Advisor. | |

Panaji, Dated: 11-1-1984

AWARD

This is a reference made to this Tribunal by the Government of Goa, Daman and Diu, by its Order No. IRM/CON/(179)/76/IT-77/902 dated 30th June, 1977. The schedule annexed to the Order of Reference reads as follows:

"Whether the workmen of M/s. Goa Shipyard Limited, Vadem, Vasco-da-Gama (Goa), are entitled for bonus for the accounting year 1975-76?

If not, to what relief the workmen are entitled to?"

2. In its statement of claim, the Union has stated that the employer has not paid bonus for the relevant year 1975-76, on the ground that there is no allocable surplus for the said year as per the amended provisions of the Payment of Bonus Act 1965, hereinafter briefly called the Act.

The Union has submitted that, as per the profit and loss account of the Shipyard for the year ending 31-3-1976, disproportionate expenses had been shown as travelling expenses, printing and stationery and business to works and other expenses. These could not have been included as expenses. Also the advertisement charges are disproportionate and further under the head 'others' is also disproportionate.

Considering other outstanding debts which work up to an extent of Rs. 29,00,973-00, also doubtful debts of Rs. 1,03,148.00 and other debts considered to the extent of Rs. 93,03,785.00 were not considered. The Union further states that the Company made a provision for proposed dividend of Rs. 3,75,778.00.

It is, therefore, submitted, that if these facts and figures are taken into consideration, there is sufficient surplus and, as such, the workmen are entitled to be paid bonus at the rate of 20 p.c. for the year in dispute. The Union, has prayed, that 20 p.c. bonus for the year 1975-76 be granted to the workmen.

3. The employer, in its written statement, has submitted that the calculations for computation of gross profit and allocable surplus for the relevant year under the provisions of the Act, which calculations, according to the employer, are based on the audited statements of profit and loss

account and balance sheet for the relevant year, duly certified by Chartered Accountant and concluded that no bonus is payable on the allocable surplus of Rs. 75,001 as per the provisions of the Act as stood then.

4. The employer led the evidence of Shri Chittranaumarath Keshav working for the employer as Superintendent in Costing. He has produced the following exhibits:

A printed copy of the audited balance sheet and profit and loss account for the year 1975-76 and annual report (Exh E-1); The original certificate of the Chartered Accountant, showing a depreciation amounting to the tune of Rs. 11,13,605/- as per the provisions of Section 6(a) of the Act and Section 32(1) of the Income Tax Act (Exh E-2);

The statement prepared by him showing computation of gross profit and allocable surplus for the year under reference (Exh E-3); And statement prepared by him from the registers maintained as per the provisions of the Act in respect of set on and set off of the allocable surplus from year to year from 1967 onwards till the end of the year 1975-76.

This witness was not cross-examined by the Union's representative.

5. The Union did not lead any evidence and, at the time of arguments, its representative stated in open court that it did not press the reference and, hence, it may be disposed off accordingly.

6. It is well settled that a reference once made cannot be withdrawn by the parties and the Tribunal has to answer to it as per the evidence on record. I have carefully perused the exhibits produced by the employer and I am satisfied that, as per the said exhibits, there is no allocable surplus under the provisions of the Act to be distributed as bonus for the relevant year 1975-76. Hence, I answer this reference by passing the following order:

ORDER

The workmen of M/s. Goa Shipyard Limited, Vaddem, Vasco-da-Gama, are not entitled to bonus for the accounting year 1975-76. Each party is left to bear its own costs.

Dr. Renato de Noronha
Presiding Officer
Industrial Tribunal

Addendum

No. 5/38/82-ILD

Read:- Government Order No. 5/38/82-ILD dated 8-7-1983 constituting the committee to scrutinise proposals for acquisition and allotment of lands to the mine owners for dumping mining rejects.

In the Government Order quoted above, the following shall be included at Serial No. 7, namely:-

President of Goa Mining Association, Panaji, Goa.

— Member

By order and in the name of the Administrator of Goa, Daman and Diu.

S. V. Bhadri, Under Secretary (Industries & Labour).
Panaji, 9th February, 1984.

Finance Department (Revenue and Control)

Notification

No. 5/26/83-Fin (R&C)

In exercise of the powers conferred by section 10A of the Goa, Daman and Diu Sales Tax Act, 1964 (4 of 1964), the Government of Goa, Daman and Diu having considered that it is necessary so to do in the public interest, hereby exempts the sale of cooked food and non-alcoholic drinks served for consumption in any lunch or dinner hosted by the Government in any hotel or restaurant, from the payment of whole of the tax and additional tax payable under the said Act.

By order and in the name of the Administrator of Goa, Daman and Diu.

Subhash V. Elekar, Under Secretary (Finance Exp.).
Panaji, 4th February, 1984.

Law Department (Establishment)
Office of the Chief Electoral Officer

Notification

No. 3-1-84/ELEC

The Notification No. 82/GOA/(1/1980)/83 dated 28th December, 1983 issued by the Election Commission of India, New Delhi is hereby published for general information.

U. D. Sharma, Additional Chief Electoral Officer.

Panaji, 17th January, 1984.

Election Commission of India

New Delhi, dated the 28th December, 1983

7 Pausa, 1905 (Saka)

Notification

No. 82/GOA/(1/1980)/83. — In pursuance of section 106 of the Representation of the People Act, 1951 (43 of 1951), the Election Commission hereby publishes the Judgment, pronounced on 16-6-1981, by the High Court of Judicature at Bombay in Election Petition No. 1 of 1980.

By order,

C. L. ROSE

Under Secretary, Election Commission of India.

(Before K. M. Mishra, Acting J. C.)

Election Petition No. 1/1980

Shri Narayan Srinivas Fugro

— Petitioner.

Versus

Shri Samjibhai Bhika Solanki

— Respondent.

Shri M. S. Usgaoncar, advocate for the petitioner.

Shri S. K. Kakodkar, advocate for the respondent.

Panaji, 16-6-1981

JUDGEMENT

In the recent elections for Diu Constituency to the Legislative Assembly of Goa, Daman and Diu held on 3-1-1980, three persons were duly nominated as candidates for election. Of these, only two, that is, the petitioner and the respondent contested for the seat, the other one Shri Babubhai Solanki, having ultimately withdrawn from the contest. Eventually as a result of the poll, the respondent was returned from the aforesaid Constituency by securing 6032 votes as against 4633 polled by the petitioner. The election of the respondent has now been called in question by means of an election petition which has been registered as Election Petition No. 1/80 in this Court.

2. The election of the respondent is challenged substantially on the grounds of corrupt practices consisting of:

(i) undue influence, interfering with free exercise of electoral rights so as to compel the electors to vote in favour of the respondent as against the petitioner;

(ii) publication of false statements regarding personal character and conduct of the petitioner, reasonably calculated to prejudicially affect the election of the petitioner.

The respondent has filed his written statement traversing all the allegations in the petition of election.

3. On 18-12-1980 the Court framed five issues for the disposal of the petition. The petitioner has already filed list of witnesses on 2nd February, 1981. The respondent filed a petition for permission to assail the maintainability of the petition on the following grounds:—

"Shri Babubhai Ranshod Solanki, a candidate against whom the petitioner has purported to make allegations against corrupt practices has not been joined as respondent to the petition".

Accordingly the maintainability of the election petition has been taken up as a preliminary issue. I need not therefore refer to the pleadings in detail for at this stage I am concerned only with whether the petition is liable to be dismissed in limine for non-compliance with certain requirements of law. The points which have been argued on behalf of the respondent as preliminary objections, may now be stated as under:—

(1) The petition is to be considered as entered on the date when objections were removed. The date of presentation is within time, but the date of removal of the objection is outside limitation. Hence petition is barred by time.

(2) There is no statement in the petition that corrupt practices have materially affected the result of the petition so far as the returned candidate.

(3) There is no statement in the petition that the false statements in the publication are not believed to be true or believed to be false by the returned candidate.

(4) Non-impleading of the withdrawn candidate against whom there are allegations of corrupt practice is fatal to the petition.

4. Point no. 2 not being pressed in course of argument only three points survive for consideration.

5. The first point may now be taken up. It relates to presentation of petition which is dealt with in section 81 of the Representation of Peoples Act, 1951, which reads as under:—

"81. Presentation of petitions. — (1) An election petition calling in question any election may be presented on one or more of the grounds specified in sub-section (1) of section 100 and section 101 to the High Court by any candidate at such election or any elector within forty-five days from, but not earlier than, the date of election and the dates of their election are different, the later of those two dates. Explanation.—In this sub-section 'elector' means a person who was entitled to vote at the election to which the election petition relates, whether he was voted at such election or not.

* * *

(3) Every election petition shall be accompanied by as many copies thereof as there are respondents mentioned in the petition * * * *, and every such copy shall be attested by the petitioner under his own signature to be a true copy of the petition".

In the instant case the petition was presented by the petitioner and his advocate appearing before the Registrar on 19-2-1980. The petitioner and his advocate were then directed by the Registrar to appear before him on 21-2-1980. When the Registrar noted the following objections, which he mentioned, in a separate piece of paper attached to the petition:—

"(1) The attestation of the copies of the petition as also of the documents is to be corrected as, — True copy of the original petition or document."

The petitioner and his advocate were duly informed of the objections and required to remove the same within seven days. Both the petitioner and his advocate signed the objections slip as token of having been informed by the Registrar. It appears that the petitioner complied with the objections and removed the defect within time as stipulated by the Registrar which fact is clear from an endorsement made by the Office on 26-2-1980 on the objections sheet. After the objection was complied with, the petition was then placed before the Hon'ble Judicial Commissioner for orders as required under rule 8 of the Goa, Daman and Diu Judicial Commissioner's Court (Election Petition under the Representation of Peoples Act) on 29-2-1980. The Hon'ble Judicial Commissioner then passed the following Order:—

"Issue notice to the respondent to answer the claim and fix date for filing written statement and for settlement of issues. Notices returnable on 12-6-1980".

On 4-8-1980 there is another order passed by the Hon'ble Judicial Commissioner, but we are not concerned with the same.

5. Section 83(3) of the Act came to be considered by the Supreme Court in 'Dr. Anup Singh v. Shri Abdul Ghani and others' (A.I.R. 1965 Supreme Court 815). In that case carbon copies of original accompanying election petition

bearing signature of the petitioner had been filed. Though the copies bore the signature of the petitioner, the words "true copy" were not written on the copies above the signature. In the opinion of the Supreme Court there was substantial compliance with section 81(3) and hence petition could not be rejected under section 90(3) (old section). The following observation of the Supreme Court in this connection is relevant:—

"(7) An exactly similar matter came to be considered by this Court in *Subba Rao V. Member, Election Tribunal*, AIR 1964 SC 1027. In that case also the copies were signed by the petitioner but there was no attestation in the sense that the words "true copy" were omitted above the signature of the petitioner. This court held that as the signature in original was there in the copy, the presence of such original signature in the copy was sufficient to indicate that the copy was attested as a true copy, even though the words "true copy" were not written above the signature in the copies. This Court further held that there was substantial compliance with S. 81(3) of the Act and the petition could not be dismissed under S. 90(3). That case applies with full force to the facts of the present case, and it must therefore be held that there was substantial compliance with S. 81(3) and the petitions could not therefore be dismissed under S. 90 (3)".

6. In '*M. Kamalam v. Dr. V. A. Syed Mohammed*' A. I. R. 1978 Supreme Court, 840, their Lordships of the Supreme Court were considering the question whether the petition could not be dismissed for non-compliance with sub-section (3) of section 81 on the ground that the copy of the election petition was not attested by the petitioner under her own signature to be a true copy. His Lordship Bhagwati J. speaking for the Court held:—

"In fact the copy of the affidavit constituted the end-portion of the copy of the election petition and the signature placed by the appellant at the foot of the copy of the affidavit was, therefore, clearly referable to the entire copy proceeding it and it authenticated the whole of the copy of the election petition to be a true copy. We cannot, in the circumstances, accept the contention of the respondent that the copy of the election petition was not attested by the appellant under her own signature to be a true copy of the petition. The requirement of the last part of sub-section (3) of Section 81 was complied with by the appellant in as much as the copy of the election petition was authenticated to be a true copy by the appellant by placing her signature at the foot of the copy of the affidavit which formed part of the copy of the election petition. The High Court was clearly in error in dismissing the election petition under sub-section (1) of Section 86."

7. Learned counsel for the respondent referred me to the decision reported in '*Satya Narain v. Dhuja Ram and others*'; (A. I. R. 1974 Supreme Court 1185) to show that the rules of the High Court cannot extend the limitation period. In that case the election petition was filed on April 18, 1972 without the requisite spare copies and was therefore incomplete on the date of presentation. No Schedules were also filed along with the petition, but that point was not pressed before their Lordships. The limitation for filing of the election was upto April 27, 1972. According to the appellant in that case the spare copies were filed with the Superintendent of the Election Branch in the afternoon of April 24, 1972 well within the period of limitation. But this plea was not accepted by the High Court and the Supreme Court proceeded to decide the case on the basis that the spare copies were not filed within the period of limitation. Two points were taken by Mr. Hardyal Hardy, learned counsel appearing for the appellant before the Supreme Court. They are as follows:—

"(1) The requirement under section 81(3) of Representation of the People Act, 1951 that spare copies of an election petition shall accompany the petition is directory and not mandatory.

(2) It is substantial compliance with the said directory provision if the spare copies of an election petition instead of accompanying the petition are filed before the petition is laid before the Judge for orders or even within the time that may be granted by the Judge for the purpose."

The Court negated the first contention observing that section 81(3) is mandatory and non-compliance of it results in dismissal of the election petition. Having so held their Lordships did not think it proper to examine or deal with the second question because there was total non-compliance with the peremptory provision. In that case their Lordships had also noticed the case of *Dr. Anup Singh* (Supra) which

was on the point of sufficient compliance. It will be pertinent to make a passing reference to the following observation recorded by His Lordship Dwivedi J. who while agreeing with the Judgment, chose to add a few words of his own:—

"Our decision restores the primacy of procedure ever justice. It makes section 86(1) a tyrannical master. The rigidity of the rule of precedent ties me to its chains. My only hope now is that Parliament would make a just choice between the special interest in the supply of copies by the election petitioner along with his election petition and the social interest in the purity of election by excluding Section 81(3) from the purview of Section 86(1) of the Act."

In that case, as it appears to me, the only question was whether section 81(3) is mandatory or not. The question of sufficient compliance as regards certain things already mentioned or done did not come up for consideration before their Lordships. The case of *Satya Narain* (Supra) cannot therefore be pressed into service in this case. In the light of the two other Supreme Court cases, to which I have made reference and which in my view have application in this case, it will not be wrong to hold that there is sufficient compliance of the defect and therefore the question of dismissing the petition in limine on account of the fact that the defect was remedied beyond time, does not seem to arise in this case.

8. With regard to the third objection, it is the contention of Mr. Kakodkar, learned advocate for the respondent that there is no pleading in the petition such as would attract the provisions of section 123(4) of the Act. According to him there is no pleading anywhere in the petition that there was publication by the respondent or his agent or by any other person with the consent of the respondent or his election agent of any statement of fact which is false statement of fact and which the respondent either believes to be false or does not believe to be true. (Emphasis mine). The allegation in paragraph 45 of the petition that the author of the publication, B. D. Mudasia as well as the respondent know very well that the statement made therein were false, cannot tantamount to an averment that the respondent believed that the alleged statement to be false and did not believe them to be true and cannot therefore be treated as sufficient compliance with the law and as such the contention is not tenable. In this connection he has tried to bring out a distinction between the words "belief" and "knowledge". A "belief" according to him will be inculcated in the mind of a person by various factors:—by evidence of witnesses or by inference from given premises; but not so with knowledge. Knowledge is gained by a person by making use of his perceptive faculties and is clearly distinguishable from belief. The contention of the petitioner that knowledge is stronger than belief and that his averment in regard thereto contained in paragraph 45 should be construed as embracing the belief entertained by the respondent that the statements contained in Annexures A and B are false and not true is without force, being the fact that belief and knowledge are conceptually different so that there can be no scope for one to be stronger than the other. He has further submitted that pleadings in an election petition must be strictly construed. In case of ambiguity the pleadings must be construed against the petitioner and in favour of the respondent because of the reluctance of the Court to interfere with the election of a returned candidate, based on the principle "He whom the constituency has elected, the Court shall not lightly unseat".

9. Mr. Usgaoncar, learned counsel has on the other hand contended that omission to reproduce the exact words from section 123(4) is not a valid ground to dismiss the petition; it has to be seen whether the requirements under section 123(4) of the Act are substantially complied with or not specially when the Act has not prescribed any form in the Election petition is to be submitted. The knowledge of the respondent having been pleaded, it is immaterial whether the statement is made in the exact term expressed in the sub-section (4) of section 123 as the statement made in the petition in paragraph 45 covers and includes the requirement of section 123(4) of the Act.

10. Section 86 of the Act speaks about trial of election petitions. I am concerned here only with sub-section (1) of section 86 which lays down that the High Court shall dismiss an election petition which does not comply with provisions of section 81 or section 82 or section 117. There is an explanation attached to the above provision which says that an order of the High Court dismissing an election petition under the aforesaid sub-section shall be deemed to be an order made under clause (a) of section 98. While section 81 speaks

about presentation of petition and section 82, about impleading of parties to the election petition, and section 117, the depositing costs and security for costs in the High Court in accordance with the rules of the High Court. The present objection arising out of omission in not reproducing the exact words occurring in section 123(4) of the Act is thus not covered either under sections 81 or 82 or 117 of the Act.

11. Section 83 of the Act which is not mentioned in section 86 speaks about the contents of the election petition. It consists of three parts, the first part says that a petition shall contain a concise statement of the material facts on which the petition relies; the second part speaks that the petition shall set forth full particulars of any corrupt practice that the petitioner alleges including as full a statement as possible of the names of the parties alleged to have committed such corrupt practices and the date and commission of each such practice and the last part says that the petition shall be signed by the petitioner and verified in the manner laid down in the Code of Civil Procedure, 1908 for verification of pleadings. It further says that any schedule or annexures to the petition shall be signed by the petitioner and verified in the same manner as the petition. In the proviso attached to sub-section (1) of section 83 it has been said that where the petitioner alleges any corrupt practice the petition shall also be accompanied by an affidavit in the prescribed form in support of the allegation of such corrupt practice and the particulars thereof.

Neither section 83 itself nor section 86(1), the latter of which deals with dismissal of an election petition not complying with certain sections of the Act, prescribes any penalty for non-compliance with section 83 which goes to show that the requirements of section 83 are only directory and not mandatory. In other words non-compliance with section 83 is not fatal to the maintainability of the petition. An election petition cannot thus be dismissed merely for want of particulars of corrupt practice, absence of or defect in the verification of the petition its schedule or annexures or on account of the fact that the petition was not accompanied by an affidavit or that there was no defect in the verification or form of the affidavit accompanying the petition. However, an election petition could be dismissed for want of a statement of the material facts on which the petitioner relies; then it would be a dismissal for non-disclosure of the cause of action and not for non-compliance with section 83 of the Act.

12. Section 123 of the Act speaks about corrupt practice. Sub-section (4) of the aforesaid section with which I am concerned reads as follows:—

"123(4)—The publication by a candidate or his agent or by any other person, with consent of a candidate or his election agent, of any statement of fact which is false, and which he either believes to be false or does not believe to be true, in relation to the personal character or conduct of any candidate, or in relation to the candidature, or withdrawal, *** of any candidate, being a statement reasonably calculated to prejudice the prospects of that candidate's election".

Though in the matter of election the public and political character of a candidate is open to scrutiny and severe criticism by his opponents but not so his private or personal character. Law will afford protection if the criticism is aimed at piercing the personal character. This appears to be the policy underlying the provision of section 123(4). Section 123(4) is thus intended to achieve twin purpose, freedom of speech and prevention of malicious attack on personal character or conduct of the rivals. The provisions contained in sub-section (4) of section 123 require certain ingredients to be established before an election petition can succeed. One such ingredient is that the statement in question is false and it was believed by the candidate to be false or at any rate was not believed by him to be true. I have referred to only the said ingredient because the contention centres round absence of requisite words in making the allegation regarding the said ingredient. Publication of a false statement of fact in relation to the personal character and conduct of a candidate or with regard to his candidature or withdrawal is not a corrupt practice by itself unless it is proved that the candidate publishing the statement does not believe such statement to be false or believes the same to be true. The returned candidate is thus protected unless he makes it believing to be false or not believing it to be true, that is to say, statements which are not true but made bonafide are outside the ambit of the provisions of section 123(4) (Sec. A.I.R. 1965 S.C. 677). The burden of proving that the statement in question is false and the

returned candidate believed it to be false did not believe it to be true undoubtedly is on the election petitioner. After the election petitioner has laid down the foundation by adducing some evidence, it is for the candidate publishing the statement to prove otherwise. The foundation for discharging the onus lying on the election petitioner is very light and can be said to have been discharged if the said candidate has sworn to that effect.

13. The question therefore is whether the omission on the part of the petitioner to mention the exact words amounts to non disclosure of a cause of action which will entail the dismissal of the election petition in limine. I have already indicated above that section 123 is not mentioned in section 86 which gives power to the Court to dismiss an election petition. I have also referred to section 83 and has found that an election petition could be dismissed if it did not disclose any cause of action. Let us see what the Supreme Court has said about cause of action in 'Samant N. Balakrishna, etc. v. George Fernandes and others' A.I.R. 1969 S.C. 1201.

"The word 'material' shows that the facts necessary to form a complete cause of action must be stated. Omission of a single material fact leads to an incomplete cause of action and the statement of claim becomes bad. The function of particulars is to present as full a picture of the cause of action with such further information in details as to make the opposite party understand the case he will have to meet. There may be some overlapping between material facts and particulars but the two are quite distinct. The material facts will show the ground of corrupt practice and the complete cause of action and the particulars will give the necessary information to present a full picture of the cause of action. In stating the material facts it will not do merely to quote the words of the section because then the efficacy of the words 'material facts' will be lost. The fact which constitutes the corrupt practice must be stated and the fact must be correlated to one of the heads of corrupt practice. An election petition without the material facts relating to a corrupt practice is no election petition at all. A petition which merely cites the sections cannot be said to disclose a cause of action where the allegation is the making of a false statement. That statement must appear and the particulars must be full as to the person making the statement and the necessary information".

14. In the instant case it is not the complaint or grievance that the petition does not contain material facts of corrupt practice regarding attack on the personal character of the returned candidate. What is complained of is that certain exact words have not been quoted in the petition. Not a single decision has been cited before me to the effect that if an election petition does not contain the exact words as mentioned in sub-section (4) the petition suffers from the infirmity of not stating the material facts and is therefore liable to be dismissed for want of a cause of action. The decisions to which Mr. Kakodkar has made reference are of general character having nothing to do with the particular point I am concerned with. The principles laid down in all those decisions are that an election petition is not to be equated to an action of law or equity as rights are purely creatures of statute. If the statute renders any particular requirement mandatory, the Court possess and could exercise no dispensing powers to waive non-compliance. Since none of the decisions relied upon by the learned Counsel Mr. Kakodkar answer the point in issue, I have thought it unnecessary to deal with them. As the material facts with regard to the statement of fact contained in the two Annexures have been filed and it has been alleged that they are false to the knowledge of the returned candidate, I think, there is sufficient compliance with the requirement of section 123(4) of the Act. There was no need to mention the exact words of the section. Consequently it cannot be said that there is no disclosure of a cause of action. Moreover this is not the only ground on which the election petition of the returned candidate is being challenged. There is yet another ground of undue influence which has led to the filing of this petition. In the view that I have taken I do not feel inclined to accept the objection under consideration.

15. This brings me to the fourth and the last ground which relates to the non-impleading of the withdrawn candidate, Shri Babubhai Ranshod Solanki. In so far as this point is concerned, it is not disputed by Mr. Usgaoncar, learned counsel for the petitioner that Mr. Solanki ought to have been impleaded as a party provided the petitioner had alleged any corrupt practice by him. When nothing of the sort has been pleaded and reference to his name came in the narration

of the sequence of the events it was not necessary to implead him. It is therefore necessary to examine whether there is any such allegation against Mr. Solanki, the admitted withdrawn candidate.

16. Paragraphs 20, 21 and 22 of the petition which are relevant in this respect may be extracted as under:—

"20. The Kharwa community Patels and head Patel of Goghala passed, at a meeting held on 1-12-1979, a resolution to the effect that:

- a) Nobody should vote in favour of person other than the respondent.
- b) Nobody should render assistance to the other candidate in the electioneering campaign.
- c) Nobody should give space for the office to any other candidate.
- d) Anybody who defies the said resolution would be subject to special boycott and heavy penalties.

The said meeting was held whole day at the temple, the usual place of the meetings, near the Panchayat Office at Ghoghala. The respondent was present for the said meeting. The resolution has been recorded in the book of resolution maintained by Head Patel Harjivandas Narayan Patel.

21. Again on 5-12-1979, there was one more meeting of the Patels of Kharwa community at the same place during the afternoon. The respondent was present for the said meeting. Besides the respondent and Patels of Kharwa community, the persons present were:— said B.D. Modasia; Sakar Ram Patel of Koli community, Hassan Abdullah, representative of Mahamedan community, Babubhai Ranshod Solanki, uncle of the respondent was one of the Patels of Kharwa community, present on the occasion. Besides the aforesaid persons, also some other villagers were also present.

At this meeting following resolutions were passed:

- a) All persons from Kharwa community and other minor community should vote in favour of candidate selected by Kharwa community, i.e. the respondent.
- b) No one is permitted to make propaganda against the candidate of Kharwa community.
- c) Wall posters or road paintings in connection with election propaganda in support of any other candidate will not be permitted and in case it is done they will be either torn off or washed out.
- d) Any one who goes against the above decisions would be socially boycotted and heavily fined.

22. The petitioner states that the villagers of Ghoghala are afraid of social boycott as well as heavy fines imposed by the leaders/Patels. This contents of the said resolutions and the consequences of their breach were made known to the villages of Ghoghala by the respective Patels by the respondent and his agents, B. D. Modasia".

17. It is argued by Mr. Kakodkar that if the averments in the aforesaid paragraphs amount to allegations of corrupt practice by undue influence against the patels of Kharwa community with the consent of the respondent, it does not lie in the mouth of the petitioner to contend in the same breath that they do not amount to allegation of corrupt practice against the said Babubai Solanki, one of the said candidates.

18. Mr. Usgaonkar, learned advocate for the petitioner has on the other hand argued that the word 'respective' means patel of a particular ward conveying the resolution to the villages of that ward, but that does not mean that the withdrawn candidate has also conveyed the resolution and consequences of that breach; it does not also mean that all the patels conveyed the resolution and consequences of the breach. Reading paragraph 21, the only inference that can be drawn is that the withdrawn candidate is a patel but no where it has been stated that he had taken part in the resolution. Mere presence would be of no consequence. In addition to the withdrawn candidate there were also other persons present like the patels of Koli community, representative of the Mohamaden community and election agents of the respondents. The use of the word 'besides' is of much significance to show that withdrawn candidate was present but no participation in the resolution is attributed to him. At the most there can be an

inference that he might have taken part in the resolution but not that he had in fact participated in the resolution. Mere witnessing the resolution has no meaning. What is meaningful is that the villagers were explained, as stated in paragraph 22, of the resolution and the consequences of the breach thereof, about which there is no allegation. Therefore it cannot be said that there are allegations of corrupt practice against the withdrawn candidate.

19. In order to attract sec. 82(b) of the Act, it is necessary that there should be allegation of corrupt practice against the candidate in the petition suggesting or indicating that the candidate has committed a corrupt practice or is guilty thereof. So then it is to be seen whether the allegation as contained in the aforesaid three paragraphs are clear enough to hold that there are allegations of corrupt practice against Mr. Solanki.

20. Position of law seems to be well settled in respect of two propositions, namely, that pleadings (in Election Petition inclusive) should not be too strictly construed and that regard should be had to the substance of the matter and not the form; and that charges of corrupt practice being quasi criminal in character the allegations thereto must be sufficiently clear and precise to bring home the charges of the candidate. It is not in dispute that there is no direct and pointed allegation in the petition that Mr. Solanki did convey the resolution and the consequences of the breach thereof to the villages of the ward of which he is a Patel and is such a construction could be extracted from out of the allegation, it is further not disputed that, the petition is bound to be dismissed in limine in the absence of Mr. Solanke as a party. It not being the case of the petitioner that the respondent had himself conveyed the resolution and the consequences of the breach thereof, it follows and it is not disputed that the resolution and the consequences of the breach thereof were conveyed by the patels of the Kharwa community evidently with the knowledge and consent of the respondent. The act of conveying the resolution and the consequences of the breach thereof by Mr. Solanke is now sought to be excluded by reason of the fact that there is no clear mention of his name as the person having conveyed the resolution to the voters. No name of any patel who conveyed the resolution has been mentioned and despite it, the petitioner does not seek to give up his case that communications of the resolution and the consequences of the breach thereof were made by the patels of the Kharwa community. Therefore non-mention of the name of Mr. Solanke could not be a valid ground for the contention that the petitioner did not intend to allege any corrupt practice against Mr. Solanke. The petitioner cannot also be allowed to take shelter behind his own pleadings characterising them as vague and not precise when it comes to dismissal of the petition for non impleading of the withdrawn candidate Mr. Solanke. If the communication by the patels is to fail, it must fail in its entirety and not only in respect of Mr. Solanke, who is undisputedly a patel of the Kharwa community of a particular ward. My attention has been drawn to the denial of the respondent that Mr. Solanke is a patel as a significant fact. There can be no gains saying the fact that there is such a denial recorded in the reply filed by the respondent, but, in my view, this denial is of no significance because after the denial the petitioner has not accepted the denial as true and acted accordingly.

21. At this stage it would be appropriate to refer to the case of 'N. V. L. Narasinha Rao v. Kotha Raghuramayya and others' (AIR 1969 A.P. 68). In that case one Shri Punnaiah Sastri (a withdrawn candidate) had not been impleaded as a party to the election petition with the result that the petition was dismissed. Though several allegations of corrupt practice had been made against the said Sastri two allegations were found by His Lordship Kumarayya J., categorically enough, to lead to the conclusion that there were allegation of corrupt practice against Shri Sastri and that he was guilty thereof. Of the two allegations, the first was to the effect that all the signatories headed by Shri Sastri were entrusted with Rs. 50,000/- to be distributed among the scheduled caste voters and communist voters in Guntur town including various specified areas and they procured votes for the respondent by paying at the rate of Rs. 5/- each. This allegation was construed by the Court as a specific charge. The following observation the Court may be noticed:—

"Obviously enough it is a specified charge of corrupt practice coming U/s. 123(1)(A)(b) against Punnaiah Sastri as well. That is the indisputable position which even the petitioner on being asked could not disown".

It will be seen that there was no direct allegation that Shri Sastri received any particular sum. What all was stated was that all the signatories headed by Shri Sastri were entrusted with Rs. 50,000/- to be distributed among the scheduled caste voters, to be paid to each voter Rs. 5/-. Although there was no specific allegation regarding Shri Sastri the court still held that the above allegation was undoubtedly a specific charge of corrupt practice. The reasoning adopted therein supports my conclusion that despite want of any specific reference to Mr. Solanke the allegation that the patels of Kharwa community conveyed the resolution is categorical enough to include the withdrawn candidate Mr. Solanke.

22. In this connection I would also like to refer to an observation of the Supreme Court in 'Udhav Singh v. Madhav Rao Scindia' (AIR 1976 S. C. 744):—

"The submission of the counsel that the allegations in paragraph 11(4) of the election petition did not make allegations of corrupt practice as against Shri Shiv Pratap Singh were met by the Supreme Court in the following manner: "(30). We are afraid this ingenuous method of construction after compartmentalization, dissection, segregation and inversion of the language of the paragraph suggested by counsel runs counter to the cardinal canon of interpretation, according to which a pleading has to be read as a whole to ascertain its true import. It is not permissible to cull out a sentence or a passage and to read it out of the context, in isolation. Although it is the substances and not merely the form that has to be looked into, the pleading has to be construed as it stands without addition or subtraction of words or change of its apparent grammatical sense. The intention of the party concerned is to be gathered primarily from the tenor and terms of his pleading taken as a whole".

23. Reading the contents of paragraphs 21 and 22 of the petition, extracted above, and applying the principles laid down in the case of 'N. V. L. Narasimha Rao v. Kotha Raghuramaya and others,' (AIR 1969 A. P. 68) and the case of 'Udhav Singh v. Madhav Rao Scindia' (AIR 1976 S. C. 744), I have no manner of doubt to come to the conclusion that

there was a clear charge of corrupt practice against Mr. Solanke.

24. Section 86(1) is express and explicit. It enjoins on the court to dismiss any petition which does not comply with the provisions of section 81 or sec. 82 or sec. 117 which are mandatory in nature and have to be obeyed in full. The Court has no power to condone or dispense with or waive any compliance. (See: N. V. L. Narasimha Rao v. Kotha Raghuramaya and others, AIR 1969 A. P. 68).

25. In view of what is all stated above, there appears to be no other alternative but to dismiss the election petition no. 1/80 in limine. I therefore dismiss the same accordingly. Since out of four objection alleged against the maintainability of the petition, only one objection was found sustainable, I order that the parties are to bear their respective costs.

Sd/-

(K. M. MISHRA)

Acting Judicial Commissioner.

Notification by the High Court of Judicature,
Appellate Side, Bombay

No. A.3902(1)(G)/84

The Chief Justice and Judges grant Shri G. V. Ratnam, Additional Civil Judge, Senior Division and Chief Judicial Magistrate, Margao provisionally earned leave for 33 days from 6 February 1984 to 9 March 1984 with permission to prefix holiday on 5 February 1984 and suffix holidays on 10 and 11 March, 1984 thereto.

On return from leave, Shri G. V. Ratnam is reposted as Additional Civil Judge, Senior Division and Chief Judicial Magistrate, Margao.

High Court, Appellate Side,

Bombay, 31 January 1984.

S. M. Daud

Registrar.